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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,997	03/26/2004	Sanjiv Nanda	030645	8496

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QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

EXAMINER

AJAYI, JOEL

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	02/09/2007	ELECTRONIC

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Office Action Summary

Application No.

10/809,997

Applicant(s)

NANDA, SANJIV

Examiner

Joel Ajayi

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement submitted on 08/15/05 has been considered by the Examiner and made of record in the application file.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Gudjonsson et al.** (U.S. Patent Number: 6,564,261) in view of **Takats** (U.S. Patent Application Number: 2002/0042848).

Consider **claim 1**; Gudjonsson clearly discloses a server terminal configured to operate in a cluster on a network backbone (column 7, lines 28-31; column 8, lines 18-34; column 25, line 64 – column 26, line 29), comprising: a call with a first terminal (client) connected to the network backbone (column 7, lines 28-31; column 8, lines 18-34; column 25, line 64 – column 26, line 29); supporting an inter-cluster call between second and third terminals (clients) by establishing a route on the network backbone for each communication packet transmitted from the second terminal to the third terminal (column 7, lines 28-31; column 8, lines 18-34; column 25, line 64 – column 26, line 29).

Except:

The server terminal comprising a user interface to transmit and receive communications and a processor.

In the same field of endeavor Takat clearly discloses the server terminal comprising a user interface to transmit and receive communications and a processor (paragraph 42, lines 1-20).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Takat into the method of Gudjonsson in order to optimize the provision of services by service objects in a network management system.

Consider **claim 12**; Gudjonsson clearly discloses a method of communications on a server terminal configured to operate in a cluster on a network backbone (column 7, lines 28-31;

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column 8, lines 18-34; column 25, line 64 – column 26, line 29), comprising: a server terminal during a call with a first terminal connected to the network backbone (column 7, lines 28-31; column 8, lines 18-34; column 25, line 64 – column 26, line 29); and supporting an inter-cluster call between second and third terminals by establishing a route on the network backbone for each communication packet transmitted from the second terminal to the third terminal (column 7, lines 28-31; column 8, lines 18-34; column 25, line 64 – column 26, line 29).

Except:

Transmitting and receiving communications.

In the same field of endeavor Takat clearly discloses transmitting and receiving communications (paragraph 42, lines 1-20).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Takat into the method of Gudjonsson in order to optimize the provision of services by service objects in a network management system.

Consider **claim 25**; Gudjonsson clearly discloses a server terminal configured to operate in a cluster on a network backbone (column 7, lines 28-31; column 8, lines 18-34; column 25, line 64 – column 26, line 29), comprising: a call with a first terminal connected to the network backbone (column 7, lines 28-31; column 8, lines 18-34; column 25, line 64 – column 26, line 29); routing on the network backbone for each communication packet transmitted from a second terminal to a third terminal during an inter-cluster call (column 7, lines 28-31; column 8, lines 18-34; column 25, line 64 – column 26, line 29).

Except:

Means for a user to participate in a call and means for establishing a route.

In the same field of endeavor Takat clearly discloses means for a user to participate in a call (user interface) and means for establishing a route (processor) (paragraph 42, lines 1-20).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Takat into the method of Gudjonsson in order to optimize the provision of services by service objects in a network management system.

Consider **claims 2-11, 13-24**: the combination above clearly discloses that the processor is further configured to establish the same route for each of the communication packets transmitted from the second terminal to the third terminal during the inter-cluster call for a first type of call, and to establish a different route for at least two of the communication packets transmitted from the second terminal to the third terminal during the inter-cluster call for a second type of call (Gudjonsson, column 7, lines 28-31; column 8, lines 18-34; column 25, line 64 – column 26, line 29; Takat; paragraph 42, lines 1-20).

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Gudjonsson et al. (U.S. Patent Number: 6,564,261)** in view of **Chrabaszc (U.S. Patent Number: 6,134,673)**.

Consider **claim 26**; Gudjonsson clearly discloses a method of communications on a primary server terminal configured to serve a plurality of terminals in a cluster on a network backbone (column 7, lines 28-31; column 8, lines 18-34; column 25, line 64 – column 26, line 29), the method comprising: using the primary server terminal to support a plurality of inter-cluster calls for a number of the terminals in the cluster by establishing a route on the network backbone for each of the communication packets transmitted by each of the terminals engaged in one of the inter-cluster calls (column 7, lines 28-31; column 8, lines 18-34; column 25, line 64 –

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column 26, line 29); detecting a server terminal failure (column 7, lines 28-31; column 8, lines 18-34; column 14, lines 30-40; column 25, line 64 – column 26, line 29).

Except:

Designating one of the terminals in the cluster as a backup server terminal; and processing a message received from the network backbone at the backup server terminal, the message being addressed to the primary server terminal.

In the same field of endeavor Chrabaszcz clearly discloses designating one of the terminals in the cluster as a backup server terminal (abstract, column 3, line 52 – column 4, line 11); and processing a message received from the network backbone at the backup server terminal, the message being addressed to the primary server terminal (abstract, column 3, line 52 – column 4, line 11).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Chrabaszcz into the method of Gudjonsson in order to provide fault tolerant execution of application programs in a server network.

Conclusion

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

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Randolph Building

401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Joel Ajayi whose telephone number is (571) 270-1091. The Examiner can normally be reached on Monday-Friday from 7:30am to 5:00pm.


If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Joel Ajayi

February 2, 2007


NICK CORSARO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600